

78-A2-4,38,39,40,45,58,61 & 69
 PT. OF 78-A2-6

THREE CHOPT DISTRICT

BUSINESS USES

C-22C-95



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

July 18, 1995

Virgil R. Hazelett, P.E.
County Manager

Re: **Conditional Rezoning Case C-22C-95**

**Mr. Marcus C. Galt,
Assistant Vice President
Signet Bank/Virginia
7 North Eighth St., P. O. Box 25970
Richmond, Virginia 23260**

Dear Mr. Galt:

The Board of Supervisors at its meeting on July 12, 1995 granted your request to conditionally rezone property from O-3 Office District and O-3C Office District (Conditional) to B-2C Business District (Conditional), Part of Parcel 78-A2-6, & Parcels 78-A2-4, 38, 39, 40, 45, 58, 61 and 69, described as follows:

Beginning at a rod found where the southern right-of-way line of W. Broad Street intersects the western right-of-way line of Cox Road; thence running with the western line of Cox Road the following courses and distances: S. 33° 18' 44" E., 48.95' to a rod set; thence S. 14° 04' 32" W., 100.71' to a rod found; thence along a curve concave to the west 95.50' to a rod found; said curve having a radius of 707.32'; thence S. 68° 06' 50" E., 15.00' to a rod found; thence S. 21° 37' 12" W., 282.84' to an axle found; thence S. 22° 02' 21" W., 190.00' to a rod found; thence S. 21° 29' 02" W., 65.00' to a pipe found; thence S. 21° 58' 31" W., 237.72' to a rod set; thence N. 68° 08' 10" W., 15.00' to a stone found; thence S. 21° 51' 50" W., 246.95' to a stone found; thence S. 29° 40' 26" W., 12.80' to a rod set; thence leaving the western right-of-way line of Cox Road; N. 67° 41' 30" W., 560.37' to a rod set; thence N. 13° 57' 00" E., 1204.51' to a rod set on the southern right-of-way line of W. Broad Street; thence along the southern line of W. Broad Street the following courses and distances: S. 74° 50' 27" E., 118.35' to a rod set; thence S. 16° 02' 23" W., 21.00' to a rod set; thence S. 73° 58' 30" E., 24.09' to a rod set; thence N. 15° 58' 37" E., 21.00' to a rod set; thence along a curve concave to the north 124.49' to a rod found; said curve having a radius of 10970.16'; thence along a curve concave to the south 99.74' to a rod found, said curve having a radius of 907.49'; thence along a curve concave to the north 102.41' to a rod found, said curve having a radius of 799.32'; thence S. 74° 52' 24" E., 199.84' to a rod found at the point of beginning; said tract containing 18.429 acres all as shown on a plat prepared by Austin Brockenbrough and Associates entitled "Plat Showing 18.429 acres of land on the West Side of Cox Road and South Side of Broad Street Road lying in the Three Chopt District of Henrico County, Virginia" dated July 20, 1994, and last revised March 2, 1995.

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance):

1. **Site Coverage.** If an on-site retention pond is required, then no more than seventy (70)

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percent of the Property may be covered by buildings, driveways and parking areas. In the event the retention pond is located off-site, then no more than seventy-five (75) percent of the Property may be covered by buildings, driveways and parking areas.

2. Buffer Areas.

A. Landscaped buffer areas shall be provided along the boundaries of the Property as set forth below:

- (1) Along the Broad Street frontage of the Property, a minimum of sixty (60) feet in width.
- (2) Along the Cox Road frontage of the Property, a minimum of twenty-five (25) feet in width.

The aforesaid buffer areas shall be landscaped with 3.5" to 4.0" caliper shade trees planted thirty (30) feet on center. The aforesaid buffer areas shall also be landscaped with clusters of evergreen shrubbery and ornamental trees. The landscaping in the buffer areas shall be maintained in accordance with high standards which shall be established in the restrictive covenants governing the Property. All plant materials shall be specimen quality. Any dead or diseased trees and vegetation shall be replaced.

Measurement of the aforesaid buffer areas shall be from the ultimate right-of-way lines of Broad Street and Cox Road, respectively, as determined at the time of Plan of Development review.

B. Landscaped and/or natural buffer areas shall be provided along the western boundary of the Property a minimum of fifteen (15) feet in width, and along the southern boundary of the Property a minimum of twenty (20) feet in width.

C. Utility easements, grading, underground drainage facilities, signage, access drives and other purposes required or permitted at the time of Plan of Development review may be permitted within the aforesaid buffer areas, except that any driveway or utility easement within any such buffer area shall run generally perpendicular thereto, unless otherwise requested and specifically permitted, or if required, by the County at the time of Plan of Development review. Where permitted, areas disturbed for utility installation shall be restored to the extent reasonably practicable. Additionally, pedestrian pathways may be installed in the buffer areas as required at the time of Plan of Development review, to facilitate accessibility of uses developed on the Property.

3. Trash and Recycling Receptacle Areas. Brick-covered enclosures shall screen from view at ground level all dumpsters and other containers for trash. Such enclosures

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shall have opaque gates and concrete aprons at the gates.

4. HVAC. Roof top heating and air conditioning equipment and ventilation equipment shall be screened from public view at ground level at the boundaries of the Property by means of parapets or other architectural features, in a manner approved by the Planning Commission at the time of Plan of Development review.
5. Conceptual Master Plan. A conceptual master plan showing the coordinated planned development scheme for roads, driveways, utilities and buffers for the entire Property shall be filed with the Planning Commission at the time of the Plan of Development review of any portion of the Property. This master plan may be modified upon the filing of subsequent plans of development.
6. Plan of Development Review. Development of each individual site on the Property shall be subject to Plan of Development review and approval by the Planning Commission.
7. Prohibited Uses. The following uses shall not be permitted on the Property:
 - (1) Automotive filling and service stations, including towing service.
 - (2) Flea markets and antique auctions.
 - (3) Garage, parking or storage.
 - (4) Bowling alleys, skating rinks and swimming pools.
 - (5) Sign painting and painting shops.
 - (6) Self-service storage facilities.
 - (7) Billiard parlors.
 - (8) Dyeing and cleaning works.
 - (9) Adult bookstores.
 - (10) Commercial parking lots.
 - (11) Bingo halls.
 - (12) Carwashes.
 - (13) Bicycle repair shops.
 - (14) Laundromats.
 - (15) "Fast food" delivery uses and "fast food" restaurants, which for purposes hereof, shall be defined as establishments whose principal business is the sale of food and beverages to consumers in a ready-to-consume state, and which food and beverages are usually served in disposable wrapping or containers for consumption either within the restaurant building or off the premises or delivered off-site.
 - (16) Convenience stores.
 - (17) Garden centers (as a principal or accessory use).
8. Access. There shall be no more than one access drive and/or street (public or private) to and from the Property and Broad Street Road and no more than two access drives and/or streets (public or private) to and from the Property and Cox Road, unless

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additional access drives and/or streets are permitted or required by the Planning Commission.

9. Parking Lot Lighting. Parking lot lighting standards shall not exceed twenty (20) feet in height. Parking lot lighting shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business conducted on the Property.
10. Irrigation. All landscaped areas around buildings, around parking lot perimeters, along the Broad Street and Cox Road frontage and in entrance medians shall be irrigated. Parking lot islands which contain grass or shrubs shall also be irrigated. Parking lot islands which do not contain grass or shrubs do not need to be irrigated, subject to the approval of the Planning Commission at the time of Plan of Development review.
11. Architectural Considerations. The exposed portion of the exterior wall surfaces (front, rear and sides) of any building constructed on the Property shall be similar in quality as to architectural treatment and materials. A minimum of seventy percent (70%) of each building constructed on the Property shall have exposed exterior walls (above finished grade) of face brick and glass with the predominant portion being of face brick and the glass utilized in connection with store front displays, entrances and windows. The remaining percentage of each building shall be constructed of natural stone, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish system ("EIFS") and standing seam metal roofing and canopies or of an equivalent, permanent, architecturally finished material, unless otherwise requested, described and specifically permitted, or if required by the Planning Commission at the time of Plan of Development review. No building shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron, steel or stucco (except that stucco may be used if applied over masonry backing).
12. Architecture. The exterior materials and architectural design of all buildings constructed on the Property shall be coordinated in style with, and be harmonious with each other by the utilization of architectural and development features such as roof line patterns, cornices, angles, horizontal and vertical building features, types and textures of building materials, and design patterns.
13. Building Height. No building constructed on the Property shall exceed the lesser of two stories or thirty-five (35) feet in height, exclusive of architectural design features.
14. Signage.
 - A. Detached Signs. Detached signs located on the Property shall be ground mounted, monument style signs, and shall not exceed fifteen (15) feet in height where located along the Broad Street frontage and seven and a half (7 1/2) feet in height where located along the Cox Road frontage as measured from grade.

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No more than one (1) detached sign shall be located on the Broad Street frontage of the Property. No more than one (1) detached sign shall be located on the Cox Road frontage of the Property. The total area of all detached signs placed on the Property shall not exceed one hundred twenty (120) square feet.

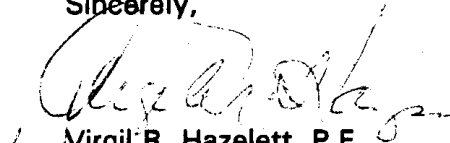
- B. Attached Signs. Attached signs shall be harmonious in architectural treatment and design as approved by the Planning Commission at the time of Plan of Development. If lighted, attached signs shall be composed with individual letters and shall be lighted by an internal source. Lighted attached signs shall not be exposed neon signs. The sizes of attached signs shall be as follows:
1. Attached signs on buildings located within four hundred (400) feet of the ultimate property line at Broad Street shall not be larger than twenty-four (24) inches tall.
 2. Attached signs on buildings located between four hundred (400) feet and eight hundred (800) feet from the ultimate property line at Broad Street shall not be larger than thirty-six (36) inches tall.
 3. Attached signs on buildings located eight hundred (800) feet or greater from the ultimate property line at Broad Street shall not be larger than forty-eight (48) inches tall.
15. Outside Merchandise. Permitted outdoor sales, display and storage areas and merchandise shall be fully screened from public view at ground level at the property lines with brick enclosures.
16. Outparcels. Only two outparcels, an outparcel which for purposes hereof shall be defined as an area of two (2) acres or less shall be permitted on the Property.
17. Restrictive Covenants. Prior to or concurrent with the conveyance of any part of the Property covered by a Plan of Development approved by Henrico County (other than for the dedication of easements, roads or utilities), the owner of the part of the Property covered by such Plan of Development, or its successors or assigns, shall record a document in the Clerk's Office of the Circuit Court of Henrico County setting forth controls on the development of such part of the Property. The covenants shall provide for high standards of uniform maintenance (consistent with commercial Class A projects) of individual sites, common areas, open spaces, and private streets, and provide for minimum development and operational standards for each site. The Restrictive Covenants shall be enforceable by the Declarant and individual property owners.
18. Severance. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

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The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.,
County Manager

cc: Director, Real Estate Assessment
Conditional Zoning Index
Ms. Gloria L. Freye, Esquire